

**REMARKS**

Claims 1-7 are pending of which claim 1 is independent. In this Amendment, claims 1 and 6 have been amended to clarify an aspect of the invention. Support is found in, for example, FIG. 1 and corresponding descriptions. Care has been exercised not to introduce new matter.

No new issue has been raised by this amendment. The amendment to claim 1 is supported by FIG. 1 and the amendment to claim 1 clarifies that the rough bottom surface prevents the secondary laser light from being diffusely reflected.

**Rejections of Claims Under 35 U.S.C. § 102**

Claims 1-7 were rejected under 35 U.S.C. § 102(e) as being anticipated by Hosokawa et al. (U.S. Publication No. 2004/0105472, hereinafter “Hosokawa”). The rejection is respectfully traversed for the following reasons.

Amended claim 1, in pertinent part, recites “a lower end portion of the element mount surface and a bottom surface of the depression face each other with a space left therebetween.” As illustrated in FIG. 1, one example of what is claimed in claim 1, the lower end portion of the element mount surface 7 faces with the bottom surface of the depression 9 with a space between the lower end of the element mount surface 7 and the bottom surface of the depression. Hosokawa fails to disclose the limitations of claim 1.

Hosokawa’s metal block 17, on which the Examiner relied to disclose the “element mount surface,” does not face the inclined plane 8, which is the bottom surface of the recess 5 (depression), with a space. The lower end portion of the metal block 17 contacts with one end of the inclined plane 8 without any space. In contrast, claim 1 requires the “lower end portion of

the element mount surface” to face the “bottom surface of the depression” “with a space left therebetween.”

This space between the lower end portion of the element mount surface and the bottom surface of the depression prevents the lower end portion of the semiconductor laser 4 or the submount 8 from making contact with the inner side surface of the depression 9 even when an error occurs in a horizontal direction in fixing the heat sink portion 3 to the base portion 2. The space, thus, prevents or reduces deterioration in heat dissipation efficiency. In addition, this space makes it possible to easily mount the semiconductor laser element 4 that is longer than the element mount surface without letting the semiconductor laser element 4 stick to the upper edge of the heat sink portion 3. (see page 9, line 23 to page 11, line 5) In contrast, Hosokawa’s laser device cannot achieve heat dissipation efficiency and easy mountability of the laser element owing to the absence of the space between the inclined plane 8 and the lower end portion of the metal block 17.

As anticipation under 35 U.S.C. § 102 requires that each element of the claim in issue be found, either expressly described or under principles of inherency, in a single prior art reference, *Kalman v. Kimberly-Clark Corp.*, 713 F.2d 760, 218 USPQ 781 (Fed. Cir. 1983), based on the foregoing, it is submitted that Hosokawa does not anticipate claim 1. Thus, claim 1 is patentable over Hosokawa.

### **Conclusion**

Applicant submits that all of the claims are in condition for allowance. Accordingly, this case should now be ready to pass to issue; and Applicant respectfully requests a prompt favorable reconsideration of this matter.

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To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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